Office Supreme Court, U.S.
FILED
JUN 9 1983
ALEXANDER L. STEVAS,

No. 82-1367

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

ROADWAY EXPRESS, INC.,

Petitioner,

v.

LAWRENCE G. WARREN,

Respondent.

ON WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF GEORGIA

JOINT APPENDIX

ALFRED B. ADAMS, III
(Counsel of Record)
GREENE, BUCKLEY, DERIEUX
& JONES
1515 Peachtree Center South
225 Peachtree Street, N.E.
Post Office Box 57006
Atlanta, Georgia 30343
(404) 522-3541
Counsel for Petitioner
Roadway Express, Inc.

EDGAR A. NEELY, JR.
(Counsel of Record)
JOHN W. WINBORNE, III
NEELY & PLAYER
3100 Peachtree Summit Building
401 West Peachtree Street
Atlanta, Georgia 30365
(404) 681-2600

NOBLE E. PEPPER
5151 Lebanon Road
Old Hickory, Tennessee 37138
(615) 889-2215
Counsel for Respondent
Lawrence G. Warren

PETITION FOR CERTIORARI FILED FEBRUARY 14, 1983

CERTIORARI GRANTED APRIL 25, 1983

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Order of the Court of Appeals of Georgia denying motion for rehearing, entered on October 6, 1982 ..... 2a

Order of the Supreme Court of Georgia denying application for certiorari, entered on November 16, 1982 ..... 1a

LIST OF DATES ON WHICH PLEADINGS WERE FILED, HEARINGS HELD, AND ORDERS ENTERED

Date

Claim for Injury at Work or Request for a Hearing 10/17/79

Notice to Controvert Payment of Compensation 11/13/79

Hearing Before Administrative Law Judge H. Grady Almand, Jr. 3/11/80

Notice of Award of Administrative Law Judge H. Grady Almand, Jr. 8/6/80

Notice of Appeal to the Full Board of Workers' Compensation of Georgia 9/5/80

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Roadway Express, Inc.'s Notice of Appeal to the Superior Court of Fulton County, Georgia 2/5/81

Order of Transmittal to the Superior Court of Fulton County, Georgia 2/18/81

Hearing Before Judge Sam Phillips McKenzie of the Superior Court of Fulton County, Georgia 11/12/81

Order of the Superior Court of Fulton County, Georgia 12/1/81

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Order of The Supreme Court of Georgia Transferring Application for a Discretionary Appeal to the Court of Appeals of Georgia 1/7/82

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Notice of Appeal to the Court of Appeals of Georgia 1/29/82

Hearing Before the Court of Appeals of Georgia 6/15/82

Opinion of the Court of Appeals of Georgia 9/16/82

Motion for Rehearing in the Court of Appeals of Georgia ... 9/27/82

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Order of the Supreme Court of Georgia Denying Application for Certiorari 11/26/82

[R-33] CLAIM FOR INJURY AT WORK
OR REQUEST FOR A HEARING

STATE BOARD OF WORKERS COMPENSATION
1800 Peachtree Street, N.W. Suite 400
Atlanta, Georgia 30309

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS PAGE FOR HELP IN FILLING OUT THIS FORM - PLEASE PRINT OR TYPE

Lawrence G. Warren — 255-40-7275
Worker (your name) — Social Security Number

630 Spring Oaks Blvd., Altamonta, Fla. — (305) 862-2780
Worker's Address — Zip — Phone

Roadway Express, 1077 Gorge Blvd. P.O. Box 471, Akron Ohio 44309
Employer (who did you work for when you got hurt) — Address

Noble E. Pepper, 5151 Lebanon Road, Old Hickory, TN 37138
Worker's Lawyer (if you have one) — Address

The company is self insured; the Roadway Express handles the claims completely themselves. (Mr. D.L. Slaughter at Roadway Home Office, P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio, 44309
Employers Workmen's Compensation Insurance Co. — Address

1. On what date were you hurt at work? *October 20, 1978*

   How much were you paid each week before deductions? *$636.00 per week*

2. Where were you hurt? *St. John (Township), Lake County, Indiana*

3. After you were hurt, did you stop working because of your injury?
   X (Yes) No

4. Have you returned to work? Yes *X* (No)

5. How were you hurt? *A. By being thrown out of my employer's truck when it was rear-ended by another truck.*

   What were you doing? *B. Driving my employer's truck on my assigned route on my employer's business.*

6. What part of your body was hurt? *My head and my back, and shaken up all over.*

7. Did you tell your supervisor, boss or employer that you were hurt at work?
   X (Yes) No

   What is the name of the supervisor who knew you were hurt? *Pete Webb or his successor, whose name I do not know.*

   What is the date you told this person you were hurt? *10/20/78*

8. What doctors or hospitals have you been to about your injury at work?

   Dr. Thomas B. Miller, 928 Gallatin Road, Nashville, TN, 37115 about 11-15-78

   Doctors at Rehabilitation Pain Clinic, 2400 Bedford Rd., Orlando, Fla., 32803 about 9/23/79

9 Did your employer have three or more workers when you got hurt? *X* (Yes) No

10 *X* Check here if you want a hearing now. *(See cover letter attached).*

   Check here if you want to file a claim to protect your rights, but do not want a hearing until later.

/s/ Lawrence G. Warren

10/15/19 /s/ Noble E. Pepper, Attorney for Lawrence G. Warren

[R-34] NOTICE TO CONTROVERT PAYMENT OF COMPENSATION

GA. FORM WC 3 (7/78)

EMPLOYER	AREA CODE-PHONE	SOC.SEC.NO.	INJURY DATE
Roadway Express, Inc.	216-384-1717	255-40-7275	10-20-78
ADDRESS			
1077 Gorge Boulevard			
CITY / STATE	ZIP		INSURER'S FILE NO.
Akron / Ohio	44309		W/C 166-1178-W

EMPLOYEE	INSURER
Lawrence G. Warren	Self-insured
ADDRESS	
630 Spring Oaks Boulevard	
CITY / STATE	
Altamonta Florida	

NOTICE IS HEREBY GIVEN IN COMPLIANCE WITH CODE SECTION 114-705(d) THAT THE RIGHT TO COMPENSATION IN THE ABOVE CASE IS CONTROVERTED ON THE FOLLOWING GROUNDS:

(1.) The Georgia State Board of Workers' Compensation lacks jurisdiction over this claim under Ga. Code § 114-411.

(2.) Claimant has accepted compensation benefits under the workers compensation laws of the State of Tennessee.

(3.) Claimant has been fully compensated for any temporary total disability he may have had and any other benefits to which he may have been entitled, and claimant is no longer disabled.

(4.) Any and all other defenses which may be permitted or presented under Title 114 at the hearing or thereafter included within the record.

This is to certify that a copy of this notice has been mailed to the following:

Lawrence G. Warren
630 Spring Oaks Boulevard
Altamonta, Florida

Mr. Noble E. Pepper
5151 Lebanon Road
Old Hickory, Tennessee 37138
His attorney at law

Roadway Express, Inc.
Insurer or Self-Insurer

By /s/ Alfred B. Adams III
Its Attorney-at-Law Title

Date November 9 1979

THIS FORM MUST BE FILED WITHIN 21 DAYS OF THE DATE OF KNOWLEDGE OF THE INJURY

Exhibit #3

GA. FORM-WC 3 (8-7)

[T-1, R-44] STATE BOARD OF
WORKERS' COMPENSATION
STATE OF GEORGIA

CLAIM No. 25?-40-7275	) Hearing held in
	)
LAWRENCE G. WARREN	) Fulton County
630 Spring Oaks Boulevard	)
Altamonta, Florida	) Atlanta, Georgia
	)
vs.	) March 11, 1980
	)
ROADWAY EXPRESS	) Before The Honorable
1077 George Boulevard	)
P.O. Box 471	) H. Grady Almand, Jr.
Akron, Ohio 44309	)
	) Administrative Law Judge
SELF-INSURED	)
	) Rptd by Leonard Kaminski

APPEARANCES:

FOR THE CLAIMANT:

NOBLE E. PEPPER, Esquire
5151 Lebanon Road
Old Hickory, Tennessee 37138

JOHN W. WINBORNE, III, Esquire
3100 Peachtree Summit
Atlanta, Georgia 30308

FOR THE DEFENDANT:

ALFRED B. ADAMS, III, Esquire
1515 Peachtree Center South
225 Peachtree Street, N.E.
P.O. Box 57006
Atlanta, Georgia 30303

[T-2, R-45] INDEX

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Lawrence G. Warren	9	31	53	55
Richard D. Danford	67	72	72	- -

-ooo-

* * * * *

[T-3, R-46] PROCEEDINGS

THE COURT: I call Claim No. 255-40-7275, Lawrence G. Warren, Employee-Claimant, versus Roadway Express, Employer, Self-Insured. Mr. Noble E. Pepper of the Tennessee Bar and Mr. John W. Winborne, III, representing the claimant and Mr. Alfred B. Adams, III, representing the defendants; and the purpose of this hearing, requested by the claimant, is to determine all Title 114 issues with respect to an injury alleged to have been sustained by him on October 20, 1978. Let's let the record show that the defendants filed a notice to controvert in this case on November 13, 1979. It may be well to also note that the claim appears to have been filed in this case on October 22, 1979.

* * * * *

[T-6, R-49] MR. WINBORNE: If it's agreeable, I would just propose that we also stipulate, or we can stipulate for the record right now that at the time of the accident Mr. Warren was a resident of Tennessee, worked out of the Roadway Express Office in Nashville, Tennessee, and the accident happened in Indiana.

MR. ADAMS: Those, I believe, all to be correct.

THE COURT: All right.

MR ADAMS: So I would agree to them.

THE COURT: And I believe he's been – if I read the [T-7, R-50] file correctly, he's been paid some compensation under Tennessee Law.

MR. ADAMS: Under the Act of Tennessee, yes, sir. I think that would be a matter of some proof, but I don't believe there's any real dispute about it.

MR. PEPPER: There's no dispute about that. We have an executed form and it is correct.

MR. ADAMS: We could go ahead and mark that and have it introduced if it's stipulated, I don't care.

THE COURT: If you can stipulate it, it'll shorten the hearing.

MR. PEPPER: Yes, I've seen that and we'll stipulate this, Your Honor.

MR. ADAMS: All right, if you'll mark that as Defendant's Exhibit No. 1.

(Document marked Defendant's Exhibit No. 1 and 2 for identification.)

MR. ADAMS: I think, Your Honor, that Defendant's Exhibit No. 1 speaks for itself as to what it is, but it is agreed that it's a properly executed stipulation under the or a form – excuse me –

THE COURT: It's an agreement, I guess.

[T-8, R-51] MR. ADAMS: Agreement for payment of compensation under the Tennessee Act; this Defendant's Exhibit No. 2 is a summary, and it is agreed to be an accurate reflection of payments made by Roadway Express to Mr. Warren for the period indicated on the exhibit under the provisions of this memorandum agreement, which is Exhibit 1.

THE COURT: All right.

MR. ADAMS: Those payments were made and the ending date is in October of '79.

THE COURT: October 12th of '79.

MR. ADAMS: Yes, sir, that was the last date a payment was made, and those are stipulations I think we can agree to.

MR. PEPPER: And that was for a period prior to 10/12/79, I believe.

MR. ADAMS: That's right.

THE COURT: 10/21/78 to 10/12/79 is what this reflects.

MR. ADAMS: That's right, I believe that's correct.

THE COURT: Any other matters that we can stipulate?

MR. ADAMS: I don't believe there are other matters [T-9, R-52] that we can stipulate.

THE COURT: All right, then, let's let all witnesses who are to testify in this case rise and raise your right hand. (Witnesses were duly sworn.)

Whereupon,

LAWRENCE G. WARREN

was called as a witness and, having been duly sworn, was examined and testified as follows:

* * * * *

[T-12, R-55] A. And at that time I was dissatisfied with certain things that came up with the other employer, and a Roadway truck pulled out of Arizona Avenue onto DeKalb Avenue in front of me and I had to stop, and on the spur of the moment I just went down Arizona Avenue and went to Roadway Express and put in an application for employment.

* * * * *

[T-14, R-57] Q. Now, when you were first employed, where did you run, Mr. Warren?

A. Mostly from Atlanta to New York, or from Atlanta to Texas.

Q. And you were stationed here in Atlanta?

A. Yes, sir.

* * * * *

[T-16, R-59] Q. You were disabled in '67. When were you able to go back to work, Mr. Warren?

A. I was disabled on March the 4th, 1967, and I returned to work on March the 9th, 1971. Four years and five days.

* * * * *

[T-17, R-60] Q. All right. Now, during the time that you were disabled, did the Roadway operation change any?

A. Yes, they had a change of operation from that Atlanta branch here. They went from a two-man operation to a single operation.

* * * * *

[T-20, R-63] A. Well, they informed us that they was cutting the board in Atlanta down to 110 drivers, if I recall correctly.

Q. Do you recall what it was being cut from?

A. Three-hundred-forty-three drivers, I think, at that time.

Q. Now, how did that board work, Mr. Warren?

A. Strictly by seniority.

Q. Where were you in seniority on the list of 340?

A. Approximately 320.

Q. All right, sir. Now, did you have an option to stay in Atlanta, according to your understanding of this correspondence?

MR. ADAMS: Now, excuse me, Your Honor, that's not a proper question. If he's asking him if he remembers anything being said in this correspondence –

MR. PEPPER: If I may rephrase that.

BY MR. PEPPER:

Q. What options were given you in the correspondence?

A. Well, we had a choice of terminals to transfer to, approximately six or seven terminals. I don't remember exactly how many. And we were to list our first choice, sec-
[T-21, R-64] ond choice and third choice of terminals which we would like to be transferred to, and if our seniority wouldn't carry us to one of those terminals, then we were forced to take a layoff letter. The layoff letter is an intent of – I think at that time it was good for either two years or three years, and then after that time you would have been unemployed, but up until the two years you would have been called back to work if your seniority called for you to return to work in the seniority order.

* * * * *

[T-23, R-66] Q. Mr. Warren, I've just handed you Claimant's Exhibit No. 2, I believe, to this record; can you identify that as reflecting your transfer to Nashville?

A. I had never seen this particular form, but it so states on here that I was present in Atlanta and proposed Nashville.

Q. And that's what happened?

A. For a change of operations.

Q. And the dates of when it happened?

A. Yes, sir.

Q. Now, Mr. Warren, at the time this occurred, were you able to go back to work?

A. At the time of the change of operations, no, sir, I wasn't.

Q. Did this occur before the settlement or before the settlement that you talked about previously?

[T-24, R-67] A. I think this occurred afterwards.

Q. Tell us what happened with respect to your disability after the settlement?

A. Well, it got worse.

Q. And what happened after that?

A. With the treatment and all, hospitalization, it got better. I was able to return to work.

Q. When you got to that status, did you make application to Roadway to return?

A. Not written application, just by phone.

Q. All right, sir. Did you go back to work?

A. Yes, sir, I did.

Q. Prior to your going back to work, was there anything that Roadway did to see if you were able or anything?

A. Yes, sir, Roadway subjected me to a two-day examination by their doctor.

Q. And where was that, sir?

A. In Nashville, Tennessee.

Q. And what was the result of that?

A. I was sound, physically fit to go back to work.

Q. All right, sir. And you returned to work where, sir?

A. In Nashville, Tennesse.

Q. Now, at that point what was your status? And I believe you testified there are three categories.

A. I was an over-the-road driver.

[T-25, R-68] Q. And where did you work there when you first reported to Nashville, I mean where did you run?

A. Mostly back to Atlanta.

Q. All right, sir.

A. Right at first.

Q. And then, just go on briefly, what happened to you on your different routes until you got to the time of this accident?

A. Well, my family was still living in Atlanta at the time, my wife and children, and I –

Q. I wanted you to go a little faster than that, in time.

A. Well, then, right away I bid this peddle run, that I was talking about, to Columbia, Tennessee, and I operated that for about four years; and then I bid Chicago and I had been running Chicago up until the time of the present accident.

MR. PEPPER: May I just have one minute, Your Honor?

(Discussion off the record.)

THE COURT: Back on the record.

BY MR. PEPPER:

Q. Who paid the expenses of your move, of your family, from Atlanta to Nashville?

A. Roadway Express paid a moving company to come in and move my furniture, and they paid me ten cents a mile to move my personal automobile, boat, and all up to
[T-26, R-69] Nashville, Tennessee.

(Document marked Claimant's Exhibit No. 3 for identification.)

BY MR. PEPPER:

Q. I believe that's a form that you never saw before, but does that reflect what occurred?

A. Well, yes, but it doesn't have the price or anything on it.

Q. It just shows the move?

A. Yeah, it shows the move and . . . well, it doesn't show it on here, but my freezer was damaged, which I was never paid for either.

Q. But that's what happened and that's the right time frame?

A. Yes, sir.

MR. ADAMS: I'm sure the statute of limitations has run on that one.

MR. PEPPER: I think I'll look that up.

THE COURT: Well, be that as it may, this court has no jurisdiction over that matter.

BY MR. PEPPER:

Q. Tell us just briefly what happened in this accident. I believe it's stipulated that it occurred – well, I don't believe we did stipulate, but it occurred in St. John's,
[T-27, R-70] Indiana?

A. On the outskirts of St. John, Indiana.

Q. It was on Route 41?

A. Yes, sir.

Q. Just tell His Honor what occurred in the accident.

A. Well, I stopped for a red light on the outskirts of St. John, Indiana; the light turned green and I had started off, and I never seen the truck coming in behind me, but I was struck from the rear by another truck, and I was thrown out of the seat of the tractor. I was thrown down. I remember topping the emergency valve to stop the truck because it was out of control, and when it stopped, I was on the ground. I can't remember how I got to the ground. I don't know if I fell or what, but the tractor had come up in the air from the rear-end collision and had turned to the right, what we call a jack-knive, and the tractor came to the right, and the door on the left side of the tractor, which was an old Mack . . . I think one of the old Macks in the system . . . the door popped open and I fell out the door.

* * * * *

[T-31, R-74] BY MR. ADAMS:

Q. Mr. Warren, I'm going to show you a series of documents and then I'm going to ask you some questions about them. Do you recognize this first exhibit as a lawsuit in Chancery Court for Davidson County, Tennessee, that's been marked as Defendant's Exhibit No. 3, that you received, this being in Acts of Congress copy from that court?

THE COURT: In a what copy?

MR. ADAMS: Acts of Congress; in other words, the clerk says it correct and the judge says the clerk is and then –

MR. PEPPER: "We'll stipulate that's the lawsuit that was filed in Chancery Court in Davison County, Tennessee. And you have an Answer there also?

MR. ADAMS: No, sir, I do not have an Answer.

MR. PEPPER: I have one.

MR. ADAMS: All I have is the certified copy, and I'm [T-32, R-75] not asking you to stipulate it. I just have it.

MR. PEPPER: All right, sir.

BY MR. ADAMS:

Q. Did you, sir, receive that lawsuit?

A. Yes, sir, I received it through the mail.

Q. Through the Secretary of State of Tennessee; is that right?

A. Yes, sir.

Q. The reason you received it through the mail is because you were then, at the time of the suit, living in Florida; is that right?

A. Yes, sir.

Q. All right, sir. I believe you agreed that at the time of the accident you were living in Tennessee; is that right?

A. Yes, sir.

* * * * *

[T-35, R-78] Q. All right, sir. Now, this Exhibit 5, is that the bid sheet for your runs beginning in '76 and up through '78? Take a minute and look at each sheet. There are several sheets there together.

A. Yes, sir, these are the bid sheets.

Q. And, of course, that's all of those times beginning in July of '76 and carrying forward to the date of the accident, you've been on the Chicago Heights run, is what it's **[T-36, R-79]** called, isn't it?

A. Yes, sir.

Q. And that takes you from Nashville to Chicago?

A. Yes, sir.

Q. And that's been your duty; is that right?

A. Yes, sir.

* * * * *

[T-37, R-80] Q. Let me try to put the question in a different way, Mr. Warren. I'm not trying to trick you or anything, I'm just trying to be clear about it. Did you hire Mr. Pepper to represent you in your suit against the garbage disposal company that hit you in that accident in '78?

A. Yes, sir, but that was before the time that me and Roadway had a dispute.

Q. Okay. So you had already hired him for a lawsuit that you filed up in Indiana in the U.S. District Court there; is that right?

A. Yes, sir.

Q. Of course, that lawsuit arose out of this same incident; is that right?

A. The most recent –

Q. The '78 accident that you're claiming for here.

A. Yes, sir.

Q. And do you understand, sir, that payments under Tennessee Law are treated the same way as the payments **[T-38, R-81]** you received in Georgia back in the '60s, that is you've got to pay them back in the event you collect that from that lawsuit?

A. No one ever discussed that with me.

Q. You don't know about that?

A. No, sir.

Q. Okay.

A. I was required to sign a form before they gave me a workmen's compensation check.

Q. This is the form that you signed, is that correct, that is your signature on Defendant's 1?

A. Yes, sir, and they withheld the checks until – they wouldn't bring it to my house, they wouldn't mail it. I had to get out of bed and have my son drive me down to the terminal, and he went up and got it and brought it downstairs and signed it and returned it.

Q. And you signed that to get benefits under the Tennessee Act; is that right?

A. I signed it for benefits under workmen's compensation. I wasn't aware of Tennessee, Georgia, or any other –

Q. Well, you were sitting in the State of Tennessee at that time, weren't you, in Nashville, Tennessee?

A. Yes, sir.

Q. And you can see where Tennessee is written all over that, can't you?

[T-39, R-82] A. Yes, Sir.

Q. You knew what you were signing, didn't you?

A. I knew it was for workmen's compensation, for my checks.

Q. You're not contending that you didn't have an opportunity to read this and examine it, are you?

A. No, I read it.

Q. All right, sir. Nobody tricked you about it, did they?

A. No, sir.

Q. Now, you came to a dispute with Roadway, is that correct, about whether you could return to your employment or not? In other words, they wanted you to come back to work and you did not want to come back to work, you didn't feel you could; is that right?

A. I don't know about a dispute. I was mailed a Mailgram through the mail stating that if I wasn't able to return to work by a certain date, that I would be terminated. Now, a dispute, no.

* * * * *

[T-40, R-83] Q. Let's start all over again. I didn't mean to confuse you. Dr. Raymond Gilmer is the orthopedic; is that right?

A. I believe so. I don't recall the name exactly.

Q. But he examined you and completed an examination on you in October of last year, was it?

A. I'm not sure of the date, but he did examine me.

[T-41, R-84] Q. Somewhere along in there?

A. Yes, sir.

Q. When did you move to Florida?

A. Last week in September.

* * * * *

Q. Okay. And then after that you got this Mailgram, which is identified as Defendant's Exhibit No. 7, did you not?

A. Yes, sir.

Q. And that instructed you to report back to work; is that correct?

A. No, sir, it instructed me to show cause why I couldn't report back to work.

[T-42, R-85] Q. All right, sir. Did you understand this was based on Dr. Gilmer's examination?

A. No, sir, I did not.

Q. Did you inquire about that?

A. I did.

Q. Isn't that when you hired Mr. Pepper?

A. No, Mr. Pepper was –

Q. I mean to handle this comp matter, I'm sorry, isn't that when you went to him and said handle my compensation cases?

A. I don't recall. I think we had discussed it before that, though.

Q. Now, I want to ask you some questions about your transfer. You were off of work when you were transferred; is that right?

A. Yes, sir.

Q. And you did not in fact return to work until – let's see, you were transferred, according to this document, that you said you were familiar with, in 19 –

A. I returned to work on March the 9th, 1971.

Q. I was going to ask you about the day you were transferred, though. Now, would you agree with the 8/17/69 date as the transfer date?

A. Well, I would have to take their word for it. I can't **[T-43, R-86]** recall the exact date.

Q. You don't have any dispute about that particular date, though?

A. No, sir.

* * * * *

[T-46, R-89] Q. You're not sure. That's all I wanted to know. Nobody coerced you or made you choose any particular terminal location; is that right?

A. No, sir, we had a choice, wherever our seniority would carry us, by the terms listed by the company. We

didn't have a choice of just any terminal in the country –

Q. I understand.

A. – we just had a list of the terminals provided and we could transfer to one of those terminals.

Q. Or stay in Atlanta?

A. Or stay in Atlanta.

* * * * *

[T-62, R-105] MR. ADAMS: Your Honor, before I proceed, I want to make certain motions. I'd like to make them for the record at this time. I'm not asking Your Honor to rule on them at this time. As a matter of fact, we will be more than happy and desirous of submitting briefs on these points.

THE COURT: I'd rather have briefs, but I'll let you make your motion on the record.

MR. ADAMS: Yes, sir, I would like to do that, if I may –

THE COURT: As briefly as you can.

MR. ADAMS: – to perfect myself, our position. Number one, we move for dismissal of this case on the basis of lack of jurisdiction of the Board to enter an award, jurisdictional basis of the Board to enter an award **[T-63, R-106]** would be predicated on several things. There would either have to be a showing of an accident in this state, which, of course, is not the case; an employee who both was – who had contracted his employment in this state and was a resident in this state, or there was a place of business in this state of the employer, and even in those circumstances, if the employment was for exclusively outside of the state, there would be no jurisdiction. I'm referring, of course, to Code Section 114-411.

THE COURT: Is it your contention that – his contract of employment was obviously entered initially in 1967, or whenever it was –

MR. ADAMS: In '63.

THE COURT: – in '63, when he went to work for Roadway –

MR. ADAMS: Yes, sir.

THE COURT: – was entered into in Georgia.

MR. ADAMS: Yes, sir.

THE COURT: Is it your contention that they entered into a new contract of employment?

MR. ADAMS: That's correct.

[T-64, R-107] THE COURT: I think I understand what your position is.

MR. ADAMS: Yes, sir. That's one contention. Another contention, of course, is that irrespective of the locus of the contract of employment, the man was not a resident of Georgia and there's been no evidence that Roadway has a place of business in Georgia on the date of this accident. Now, even if it were conceded, for purposes of discussion, that Roadway did have a place of business, we take the position and include in our motion that the place of business in the statute refers to the place of employment, and it's been clearly pointed out that this was not the place of employment of this man. That's a point that is a novel Georgia point. It's never been decided in Georgia law, to my knowledge. But irrespective of that, we say there's no evidence. Then, finally , on the 411 motion, the contract was for employment exclusively outside the State of Georgia, that is, his run between Nashville and Chicago.

THE COURT: The new contract.

[T-65, R-108] MR. ADAMS: Yes, sir.

THE COURT: I hear what you're saying.

MR. ADAMS: Yes, sir. Those are our points under 411, Your Honor. Secondly, we say – and this will require some briefing, I know, to the Court – that Mr. Warren had elected to come under the law of the State of Ten-

nessee. Tennessee has an election doctrine keyed to the contract of employment, and that when that election is made, it is the exclusive remedy of the employee under Tennessee law. We say Tennessee law applies to this case by virtue of conflicts of law principles. We also say – well, it couldn't be Georgia because Indiana is the state of the injury – we say that under any conflict of law principles that Your Honor chose to use, it could not be Georgia law applied, and that really the law that is most logical is the law of the place of contract, which is Tennessee.

THE COURT: All right. Well, let's don't go too far – I still think that you're arguing matters, which I prefer to have you argue by brief.

[T-66, R-109] MR. ADAMS: All right, sir: And then, finally, our motion is that under the full faith and credit doctrine of the United States Constitution, we're entitled to full faith and credit of the Tennessee proceedings which are in evidence.

THE COURT: All right, I'll permit you to argue those points by brief.

MR. ADAMS: We'll submit those points.

THE COURT: You're on the record as making those points.

* * * * *

[T-69, R-112] Q. All right, sir. Now, as far as that is concerned, would he have had the same wage or a greater wage in '71 than he had in '67 when he left?

A. He would have had a greater wage in '71 than he had in '67.

[T-70, R-113] Q. All right, sir. And would he have had the same or different boss or immediate supervisor?

A. He could have had a different one than he had at the time he was injured in 1968 or '67.

Q. And, of course, he would have had a different run in '71 than he had in '67?

A. That's true.

Q. Was he guaranteed to be re-employed whenever he showed up?

A. He would have been guaranteed to be re-employed if he passed a physical examination.

Q. He had to pass the physical examination?

A. That is true.

Q. And he did pass the physical examination; is that correct?

A. Yes.

Q. As shown on one of those exhibits?

A. Yes.

* * * * *

[R-120] ROADWAY EXPRESS, INC.
APPLICATION FOR EMPLOYMENT

Note: Where more space is required, use separate sheet.

DATE 3-7-1965

NAME Lawrence (First) G. (Middle) Warren (Last) SOC. SEC. NO. 255-40-7275

DATE OF BIRTH 7/10/53 ARE YOU A CITIZEN Yes

RESIDENCE ADDRESS 39.....[illegible.....].....

* * * * *

CLAIMANT'S EXHIBIT #1 3-11-80

EDUCATION

Type School	Name of School, Location	No. Years Attended	Year Finished	Graduated Yes/No
ELEMENTARY	Ed S Cook	7	1943	yes
HIGH SCHOOL	Smith High	6	1956	yes

[R-122] ROADWAY EXPRESS, INC.
EMPLOYMENT STATUS FORM

RE

Warren, L.G.
Last Name First Middle

255-40-7275
Social Security Number

XXXX
Birth Date Mo. Day Year

X MALE FEMALE

SUBMITTED BY

Signature
Signature

Relay Manager
Title

Atlanta, Georgia
Location

Atlanta, Georgia
Location

8-16-69
Date

* * * * *

CLAIMANT'S EXHIBIT #2 3-11-80

[R-125] DELIVERY RECEIPT – DESTINATION COPY

CAPITAL REQ. FINANCE NO. No. 50628

MAIL INTACT TO

DATE 7/12/71

INVOICE TO:

Greybound Van Lines, Inc. SHIP ATT. OF Fred L. Panelly

4212 N.E. Expressway DIRECT

Doraville, Georgia 30340 TO **ROADWAY EXPRESS INC.**

1077 Gorge Boulevard

illegible... Akron, Ohio 44309

CHARGE TO

Nashville, Tennessee (Driver)

THE FOLLOWING INVOICES ARE COVERED BY THIS P.O.

To cover transportation of normal household goods of our Mr. L.G. Warren from Atlanta, Georgia to Nashville, Tennesse.

This move to cover packing materials but NOT labor to pack or unpack. The expense of bolting down washer and refrigerator only at origin and destination will be covered. Moving agent to bill Radway Express for insurance to cover goods. All other expenses to be handled by the agent directly with Mr. Warren.

Estimate

/s/

PURCHASHING AGENT

HAVE RECEIVED COMPLETE THE ABOVE PURCHASED MATERIAL

/s/ 7/26/71

SIGNATURE DATE RECEIVED

RKS

CLAIMANT'S EXHIBIT #3 3-11-80

[R-153] DEPARTMENT OF LABOR
STATE OF TENNESSEE
DIVISION OF WORKMEN'S COMPENSATION
501 UNION BUILDING 2nd FLOOR
NASHVILLE, TENNESSEE 37219

DEFENDANT'S EXHIBIT
No. 1 3-10-80

January 11, 1980

I, Mildred Johnson, Director of the Division of Workmen's Compensation, Tennessee State Department of Labor, Nashville, Tennessee, do hereby certify that the copy of the Form 11, Memorandum of Agreement To Pay Compensation Under "Workmen's Compensation Act" Of Tennessee, filed in the workmen's compensation claim of Lawrence G. Warren employee of Roadway Express, Inc. injured October 20, 1978, state file number 0377-79, furnish Attorneys Stewart Estes & Donnell, Nashville, Tennessee, is a true and exact copy of the Form 11 on file in this Division.

/s/ Mildred Johnson Director
Division of Workmen's Compensation

[R-154]

Form 11 – Workmen's Compensation. 30

MEMORANDUM OF AGREEMENT TO PAY COMPENSATION UNDER "WORKMEN'S COMPENSATION ACT" OF TENNESSEE

IN RE: W/C DEC 11 1978

Roadway Express, Inc., Employer

Lawrence G. Warren, Employee

_____, Dependent

THIS AGREEMENT is made and entered into this 2nd day of November, 1978, by and between

Lawrence G. Warren
(Injured Employee or Dependent of Deceased Employee)

and Roadway Express, Inc. that in settlement of
(Employer, Insurance Company or Trustee)

compensation for injury sustained by: Lawrence G. Warren (Injured or Deceased Employee)
on or about the 20th day of October, 1978, while in the service of Roadway Express, Inc. (Employer) by an accident arising out of and in the course of said employment.

The said Lawrence G. Warren shall
(Injured Employee or Dependent of Deceased Employee)
receive compensation at the rate of $100.00 per week, the same being 60 per cent of his average weekly wages as computed according to terms of the "Workmen's Compensation Act of Tennessee," and that said compensation shall be payable from 21st day of October, 1978, until terminated in accordance with the provisions of said Act, as for total of unknown weeks.

It is herewith stated as an essential part of this Memorandum of Agreement, that its terms and provisions are in full accord with Sections 6858, 6877 and 6889 of the 1932 Code of Tennessee.

Signed /s/ L. G. Warren
Signature of Employee or Dependent

Roadway Express, Inc.
(Signature of Employer)

By /s/ R. M. Osborne
(Authorized Agent)

Witness /s/ Manager, Workmen's Compensation

NOTE: This agreement is subject to approval and review by the Judge of the Circuit Court of the County in which the claim arises, a copy to be forwarded to State Department of Labor, Division of Workmen's Compensation, Nashville, Tennessee.

[R-155]

DEFENDANT'S EXHIBIT

No. 2 3-10-80

WORKERS' COMPENSATION PAYMENTS

Our File: W/C 166-1178
Employee: Lawrence G. Warren
D/Injury: 10/20/78

Temporary Total Disability (Paid $100.00 Per Week) 10/21/78 to and include 10/12/79	$ 5,100.00
Medical Expenses Paid	$ 6,151.47
TOTAL	$11,251.47

[R-156] IN THE CHANCERY COURT
FOR DAVIDSON COUNTY, TENNESSEE

ROADWAY EXPRESS, INC.,	)	
	)	
Plaintiff	)	
vs.	)	No. 79-1837-III
	)	
LAWRENCE WARREN,	)	
	)	DEFENDANT'S EXHIBIT
Defendant.	)	No. 3 3-11-80

COMPLAINT

1. Roadway Express, Inc. is a foreign corporation with a principle office in Davidson County, Tennessee.

2. Lawrence Warren on October 20, 1978 resided at 616 Albany Drive, Hermitage, Davidson County, Tennessee.

3. In the year, 1969, up to the date of an accident of October 20, 1978, Lawrence G. Warren, employee had on an average driven a tractor/trailer rig as an employee of Roadway Express from its terminal in Nashville, Tennessee to its terminal in Chicago, Illinois at least three round trips weekly. He was maintaining his residence in Davidson County, Tennessee. Subsequent to October 20, 1978, he moved to 501 Barclay Square Court, Antioch, Tennessee and as of October 2, 1979 he is either living or has a temporary address at 630 Springs Oaks Boulevard, Altamonte Springs, Florida 32701.

4. October 20, 1978, Lawrence G. Warren, employee, had an accident at or near St. Johns, Indiana when the tractor/trailer rig he was operating was rear ended by

another truck. This accident resulted in injuries arising out of and in the course of his employment. It was diagnosed by a physician at the Dyer Physicians, Inc., Dyer, Indiana that he had a cervical strain, possible cerebral concussion. Later he was released to come home to Davidson County, Tennessee and over a period of time received active medical treatment and/or examinations from Thomas Huber, M.D., and more recently in Altamonte Springs, Florida, A. Gerry Hodges M.D. and Raymond E. Gilmer, Jr., M.D. His two complaints have been of headaches and of his back. He was seen by various classifications of physicians specializing in neurologial surgery, orthopedics, internal medicine, a psychiatrist, and general practitioners.

[R-157] 5. The parties elected to come under the Workmen's Compensation laws of the State of Tennessee. An Agreement was entered into on November 2, 1978 and the required form by the Workmen's Compensation Division of the Department of Labor was executed and filed with that Department.

His temporary total disability payments have been at the rate of $100.00 per week from October 21, 1978 through October 12, 1979. He has received temporary total disability payments totalling $5,100.00. Medical expenses paid have totalled $5,254.77. As of October 2, 1979 his attending physician, Raymond E. Gilmer, Jr., M.D. of Altamonta Springs, Florida specified that he was able to return to work. Based upon that medical opinion, Roadway Express, Inc. ceased any further payments to Lawrence G. Warren.

6. Roadway Express, Inc., the employer takes the position that it has made full and complete payments under the Workmen's Compensation law and should be discharged from any further liability. That any condition which Mr. Lawrence may have either physically or mentally, relates back to two sets of accidents in the 1960's which pre-dates this accident by many years.

PREMISES CONSIDERED, COMPLAINANT PRAYS:

1. That service of process be issued to be served upon Lawrence G. Warren either at the address or residence of October 20, 1978 of 616 Albany Drive, Hermitage Tennessee or 501 Barclay Square Court, Antioch, Tennessee and under T.C.A. § 20-235, as a possible non-resident at this time, his process be served upon him through the Secretary of State at his now known address of 630 Springs Oaks Boulevard, Altamonte Springs, Florida 32701.

2. Having made election to come under the Workmen's Compensation Act of the State of Tennessee, the parties are subjected to that Act.

3. Roadway Express prays for a determination as to whether it has any further responsibilities under the Workmen's Compensation Act of the State of Tennessee for further compensation or as an alternative to be dismissed from any further benefits under the Workmen's Compensation Act of the State of Tennessee.

[R-158] 4. Defendant's oath to the Answer is waived.

5. General Relief.

STEWART, ESTES & DONNELL

BY: /s/

H. Francis Stewart
14th Fl., Third Nat'l Bank Bldg.
Nashville, TN 37219
615/244-6538

Attorney for Roadway Express, Inc.

I am surety for costs not to exceed $500.00.

/s/

H. Francis Stewart

[R-159] STATE OF TENNESSEE
SECRETARY OF STATE
NASHVILLE, TENNESSEE 37219

November 20, 1979

Hon. Raymond L. Barrett
Clerk and Master
Chancery Court of Davidson County
Nashville, Tenn.

File No. 79-1837-III

RE: Roadway Express
VS: Lawrence Warren

Dear Sir:

Enclosed are the following papers in the above styled case:

Original Summons;
Notation of Secretary of State;
Affidavit of Secretary of State;
Registered return receipt card signed by

Lawrence G. Warren

Very truly yours,

/s/ Gentry Crowell
Secretary of State

/rb
cc: H. Francis Stewart

[R-160] STATE OF TENNESSEE

SUMMONS FILE NO. 79-1837-III

TO: (1) LAWRENCE G. WARREN
630 Springs Oaks Boulevard
Altamonte Springs, FL 32701

(SERVE THROUGH SEC. OF STATE)

Your are summoned to defend a civil action filed against you entitled:

ROADWAY EXPRESS

VS.

LAWRENCE WARREN

which has been filed in Part III, Chancery Court, Davidson County, Tennessee. Your defense must be made within THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default can be rendered against you for the relief demanded in the complaint.

TESTE: First Monday In October 1979

RAYMOND L. BARRETT
Clerk and Master, Chancery Court, Davidson County, Tennessee.

Issued: November 2, 1979 By: /s/ _____
D.C. and M.

ATTORNEY FOR PLAINTIFF H. Francis Stewart, STEWART, ESTES & DONNELL

or 14th Fl. Third Nat'l Bank Bldg. Nashville, TN. 37219
Address

PLAINTIFF'S ADDRESS 615/244-6538

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RAYMOND L. BARRETT
Clerk and Master

Received this summons for service this 2nd day of November, 1979.

/s/ Lynn Cunningham
Special Officer

[R-161] RETURN ON SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 6th day of November, 1979 at____. M. a copy of the summons and a copy of the Complaint to the following defendant(s) Secretary of State's Office accepting for Lawrence G. Warren.

_____ SHERIFF

By Lynn Cunningham,
Special Officer

* * * * *

Other manner of service:

11-6-79.
Patricia Duke for Gentry Crowell.

FILE NO. 79-1837-III

[R-162] AFFIDAVIT

RE: Roadway Express

VS: Lawrence Warren

I, Gentry Crowell, Secretary of State of the State of Tennessee, do hereby make oath in due form of law, as follows:

That on the 7 day of November, 1979, I duly received the original and certified copies of the summons and complaint issued against the defendant, Lawrence G. Warren, whose address is 630 Springs Oaks Blvd, Altamonte Springs, Fla. 32701. On the 9 day of November, 1979, I mailed the certified copies of the summons and complaint to the defendant, Lawrence G. Warren whose address is 630 Springs Oaks Blvd., Altamonte Springs, Fla. 32701 by registered mail with a return receipt request attached thereto, together with written notice that service was so made. I further make oath that the receipt for said registered letter was received at my office in Nashville, Tennessee on the 15 day of November, 1979. I likewise received from the plaintiff the sum of $10 and have accepted service for the day of trial, which is specified in the summons as for 30 days after service of this summons on the defendant.

/s/ Gentry Crowell

Gentry Crowell, Secretary of State

Subscribed and sworn to before me, this 20 day of November, 1979.

/s/ Edna Hogue

Edna Hogue, Notary Public

My commission expires February 7, 1981.

[R-163] I, Gentry Crowell, Secretary of State of the State of Tennessee, do hereby certify that I mailed a certified copy of this summons by registered mail to the defendant, Lawrence G. Warren, whose address is 630 Springs Oaks Blvd., Altamonte Springs, Fla. 32701 on the 9 day of November, 1979 as set out in the affidavit hereto attached, and I further certify that the return receipt for said registered letter was received at my office in Nashville, Tennessee, on the 15 day of November, 1979

Returned to Chancery Court of Davidson County of Nashville, Tennessee, on the 20 day of November, 1979.

/s/ Gentry Crowell

Gentry Crowell, Secretary of State

FILED

1979 NOV 26 AM 10:04

[R-164] STATE OF TENNESSEE

SUMMONS FILE NO. 79-1837-III

TO: (1) LAWRENCE G. WARREN
630 Springs Oaks Boulevard
Altamonte Springs, FL 32701

(SERVE THROUGH SEC. OF STATE)

Your are summoned to defend a civil action filed against you entitled:

ROADWAY EXPRESS

VS.

LAWRENCE WARREN

which has been filed in Part III, Chancery Court, Davidson County, Tennessee. Your defense must be made within THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default can be rendered against you for the relief demanded in the complaint.

TESTE: First Monday In October 1979

RAYMOND L. BARRETT
Clerk and Master, Chancery Court, Davidson County, Tennessee.

Issued: November 2, 1979 By: /s/ _____
D.C. and M.

ATTORNEY FOR PLAINTIFF H. Francis Stewart, STEWART, ESTES & DONNELL

or

14th Fl. Third Nat'l Bank Bldg.
Nashville, TN. 37219
Address

PLAINTIFF'S ADDRESS 615/244-6538

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RAYMOND L. BARRETT
Clerk and Master

Received this summons for service this ____day of _____ 19____.

_____

[R-165] ACTS OF CONGRESS
CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, ROBERT S. BRANDT, Presiding Chancellor for the Seventh Chancery Division, Part Three, of the State of Tennesse holding Court at Nashville, do hereby certify that RAYMOND L. BARRETT whose genuine signature appears to the foregoing certificate is now, and was at the time of signing the same, the duly appointed and qualified Clerk and Master of the said Court, (which is a Court of Record) and that all his acts and deeds as such are entitled to full faith and credit; and that said attestation is in due form of law.

Witness my hand in Court, at Nashville, this 10th day of January, 1980.

/s/ Robert S. Brandt
CHANCELLOR

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, RAYMOND L. BARRETT, Clerk and Master of the Chancery Court of said County, do hereby certify that ROBERT S. BRANDT, whose genuine signature appears to the foregoing certificate, is now, and was at the time of the signing of the same, sole presiding chancellor of Part Three of the Chancery Court, in and for said County, duly elected, commissioned and qualified as such; and that attestation is in due form of law.

Witness my hand and seal of said Court, at office, this the 10th day of January, 1980

/s/ Raymond L. Barrett

CLERK AND MASTER

[R-166] SENDER: Complete Items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is required (check one).
   Show to whom and date delivered
   RESTRICTED DELIVERY
   Show to whom and date delivered 1.25

2. Article addressed to Lawrence G. Warren
   Altamonte Springs, Fl. 32701

Registered No. 191-619

I have received the article described above

SIGNATURE
/s/ Lawrence G. Warren

DATE OF DELIVERY
11-13-L/L

FILED
1975 NOV 28 AM

[R-167] CERTIFICATE OF THE CLERK AND MASTER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, RAYMOND L. BARRETT, Clerk and Master of the Chancery Court of Davidson County, Tennessee, do hereby certify thatr the foregoing is a full, true and correct copy of the Complaint filed November 2, 1979, at 8:55 a.m., Summons issued on the 2nd day of November, 1979 to Lawrence G. Warren, Summons issued to the Secretary of State on the 2nd day of November, 1979, Affidavit and return receipt of the Secretary of State received filed November 26, 1979, of said Court, in the cause wherein ROADWAY EXPRESS, INC., PLAINTIFF, AND LAWRENCE WARREN, DEFENDANT, File number 79-1837-III, as the same appears of record and now on file in my office. The defendant has not filed an answer as of this day.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Court at my office in the Courthouse at Nashville, Tennessee, this the 10th day of January, 1980 and the 204th year of American Independence.

RAYMOND I. BARRETT, CLERK AND MASTER

BY /s/
DEPUTY CLERK AND MASTER

RAYMOND L. BARRETT

BY /s/
CLERK AND MASTER

[R-168] STATE OF TENNESSEE

SUMMONS FILE NO. 79-1837-III

TO:

LAWRENCE G. WARREN

616 Albany Drive

Hermitage, TN

OR

LAWRENCE G. WARREN

#501 Barclay Square Court

Antioch, TN 37013

Your are summoned to defend a civil action filed against you entitled:

ROADWAY EXPRESS

Complainant

VS.

LAWRENCE WARREN

Defendant

which has been filed in Part III, Chancery Court, Davidson County, Tennessee. Your defense must be made within THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default can be rendered against you for the relief demanded in the complaint.

TESTE: First Monday In October 1979

RAYMOND L. BARRETT
Clerk and Master, Chancery Court, Davidson County, Tennessee.

Issued: November 2, 1979 By: /s/ _____
D.C. and M.

ATTORNEY FOR PLAINTIFF H. Francis Stewart, STEWART, ESTES & DONNELL

or 14th Fl., Third Nat'l Bank Bldg. Nashville, TN 37219; 615/244-6534

Address

PLAINTIFF'S ADDRESS

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RAYMOND L. BARRETT
Clerk and Master

Received this summons for service this 4 day of Nov. 1979.

/s/

Raymond L. Barrett – Chancery Form

[R-169] RETURN ON SERVICE OF SUMMONS

* * * * *

I hereby certify that I have NOT served this Summons on the within named defendant(s) Lawrence Warren because he is (are) not to be found in this County for the following reasons: moved to Florida.

This 29 day of Nov., 1979 _____/s/ SHERIFF
By /s/ Deputy Sheriff

FILE No. 79-1837-III

[R-171] **ROADWAY EXPRESS, INC.**
Inter-Office Memorandum

TO: Nashville Road Drivers FROM: H.D. Webb

SUBJECT: Bids Awarded OFFICE: 974 DATE: 7/7/76

COPIES: Local 480
C. Houston 962
File

The bid runs posted for observation and bid on 6/1/76 were awarded in accordance with seniority to the following road drivers. These new bids become effective 00.01 Monday July 12, 1976.

CHICAGO HEIGHTS, ILL.
MON. WED. FRI.
0.0 — C.H. Wallace
0.0 — G.H. Farmer
1.0 — G.E. Toler
2.0 — G.A. Murphy
5.0 — L.G. Warren
8.0 — J.F. Hohlier
TUES. THURS. SAT.
0.0 — W.J. Adcock
0.0 — J.L. Teeple
1.0 — R. Mattox
2.0 — R. Hovis
3.0 — J. Farley
4.0 — W.T. Jenkins
5.0 — J. Pherigo
WED. FRI. SUN.
2.0 — J.K. Cade
3.0 — F.I. Haynes
4.0 — G.L. Xeid
6.0 — E.E. Blankenship
7.0 — W. Kommer
9.0 — B.W. Farmer
10.0 — O.E. Felue
THURS. SAT. MON.
6.0 — J.R. Reynolds
7.0 — R.K. Stewart
8.0 — C.R. Odonald
10.0 — R. Duncan

GREENVILLE/CHARLOT
WED. FRI. SUN.
8.0 — J.B. Wright
10.0 — D. Gregory
4.0 — G. Hooie
8.0 — A.L. Leach
10.0 — W.C. Gibbs

MEMPHIS, TENN.
TUES. THRU. SUN.
0.0 — I.R. Gambill
0.0 — J.T. Williams
1.0 — V.C. Miles
WED. THRU. MON.
4.0 — W.C. Waldrop
7.0 — L.T. Smith
9.0 — F.L. Hindman

BIRMINGHAN, ALA.
MON. THRU. SAT.
0.0 — T.S. Lane
WED. THRU. MON.
2.0 — R.L. Pendleton
4.0 — O.E. Wicks
5.0 — W.R. Sanford
6.0 — N. Dillard

ATLANTA, GA.
MON. THRU. SAT.
12.0 — T.S. Crumpton
13.0 — R.C. Deckard
TUES. THRU. SUN.
14.0 — J.H. Breitenbach
15.0 — N.J. Noffsinger
16.0 — J. Bradford
17.0 — J.G. Golden

CHICAGO, ILL.
MON. WED. FRI.
4.0 — O.C. Haislip
TUES. THURS. SAT.
8.0 — B. Wyatt

ST. LOUIS, MO.
MON. WED. FRID.
4.0 — H.L. Dunagan
WED. FRI. SUN.
0.0 — J.M. Payne
1.0 — S.H. Jones
2.0 — N.D. Morris
3.0 — J.T. Carter
5.0 — C.F. Green
THURS. SAT. MON.
0.0 — J.H. George
1.0 — J.L. McMillan
3.0 — M.E. Haynes
6.0 — V. Clifton
8.0 — S.K. Slatton

BOWLING GREEN, KY.
06.0 — G. Poole

COLUMBUS, OHIO
SUN. TUES. THURS.
5.0 — P.W. Moore
8.0 — J.J. Power
MON. WED. FRI.
6.0 — O.T. Reed

TOLEDO, OHIO
WED. FRI. SUN
0.0 — J. Harshbarger
4.0 — F. Mason
8.0 — C. Boone
THRUS. SAT. MON.
0.0 — A. Golladay
4.0 — K. Owens
8.0 — B. Swytt

DEFENDANT'S
EXHIBIT
No. 5 3-11-80

[R-176] PHYSICAL EXAMINATION
OF DRIVERS
(AMD DOCTOR'S CERTIFICATE)

Date 3-8-71 Nashville

Name Warren (Last) Lawrence (First) G. (Middle)

Personal Address 4105 (Number) Liningy (Street) Decatur (City) Ga. (State)

Birth 7-10-33

* * * * * (Illegible).....

DEFENDANT'S
EXHIBIT

No. 6 3-11-80

[R-178] **ROADWAY EXPRESS, INC.**
EMPLOYMENT STATUS FORM

ROADWAY EXPRESS, INC.

Warren, Lawrence G.
Last Name First Middle

255-40-7275
Social Security Number

7/10/33
Birth Date Mo. Day Year

Nashville
Location

X MALE FEMALE

SUBMITTED BY

Signature
Signature

Relay Manager
Title

Nashville, Tenn.
Location

March 10, 1971
Date

* * * * *

Defendant's Exhibit
No. 8 3-11-80

SECTION I – EMPLOYMENT

X Reinstatement Return work from extended sick leave
Show type of absence from which reinstated.
Physical papers to follow.
Letters from 2 doctors & copy ICC card At

X Regular 1. White X

Job Classification Road Driver X Exempt - Not Paid for Overtime

Date placed on A.G.O. payroll 3/9/71 Seniority Date Different 3/23/63

Rate of Pay $ union Rate Range scale Min. Scheduled Hours Un-schedule

SECTION II – CHANGE IN COMPENSATION, JOB CLASSIFICATION OR TRANSFER

Recommended Effective Date XXX

* * * * *

[R-181]

NATIONAL MASTER FREIGHT AGREEMENT

Covering

OVER-THE-ROAD

and

LOCAL CARTAGE

EMPLOYEES OF PRIVATE COMMON, CONTRACT AND LOCAL CARTAGE CARRIERS

For the Period of APRIL 1, 1967

Through

MARCH 31, 1970

DEFENDANT'S EXHIBIT

No. 9 3-11-80

[R-298] * * * * *

Section 5 Peddle Runs Peddle runs shall be defined as those that originate and terminate at the home terminal in the same tour of duty, and/or within a radius of seventy-five (75) miles of the home terminal.

* * * * *

[R-456] IN THE STATE BOARD
OF WORKERS' COMPENSATION
STATE OF GEORGIA

LAWRENCE G. WARREN,	:	
Claimant	:	CLAIM NO. 255-40-7275
	:	
vs.	:	D/A: October 29, 1978
	:	
ROADWAY EXPRESS, INC.,	:	
Employer and	:	
Self-Insured	:	

NOTICE OF APPEAL

Comes now ROADWAY EXPRESS, INC., employer and self-insurer, and appeals the award of Administrative Law Judge H. Grady Almand, Jr., entered on August 6, 1980, to the Full Board of Workers' Compensation, and as grounds thereof, avers as follows:

* * * * *

[R-457]

8.

The award is unconstitutional because the Administrative Law Judge failed to give full faith and credit to a prior award of compensation entered in the State of Tennesse and thereby violated Article IV Section I of the Constitution of the United States.

9.

The award is unconstitutional because the Administrative Law Judge denied the employer and self-insured property without due process of law and thereby violated Article I Section I Paragraph I of the Constitution of the State of Georgia of 1976 and the Fourteenth Amendment of the Constitution of the United States.

* * * * *

[R-461] IN THE SUPERIOR COURT
FOR THE COUNTY OF FULTON
STATE OF GEORGIA

LAWRENCE G. WARREN,	:	
Claimant	:	CLAIM NO. 255-40-7275
	:	
vs.	:	D/A: October 29, 1978
	:	
ROADWAY EXPRESS, INC.,	:	CIVIL ACTION
Employer and	:	FILE NO.:
Self-Insured.	:	

ROADWAY EXPRESS INC.'S NOTICE OF APPEAL TO THE SUPERIOR COURT OF FULTON COUNTY

Comes now Roadway Express, Inc., employer and self-insurer, and pursuant to the provisions of Ga. Code Ann. § 114-710 appeals the Award and Order of the Full Board of the State Board of Workers' Compensation entered on January 8, 1981 to the Superior Court of the County of Fulton, and shows the Court the following:

* * * * *

[R-462] 6.

The members of the State Board of Workers' Compensation acted without or in excess of their powers when they failed to give full faith and credit to a prior award of compensation entered in the State of Tennessee and thereby violated Article IV Section I of the Constitution of the United States.

7.

The members of the State Board of Workers' Compensation acted without or in excess of their powers when they denied Roadway Express, Inc. property without due process of law and thereby violated Article I, Section I, Paragraph I of the Constitution of Georgia of 1976 and the Fourteenth Amendment of the Constitution of the United States.

* * * * *